

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 25, 1998**

DIVISION TWO

B121005      Canon U.S.A., Inc.      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Rhulen Company, Inc., et al., r.p.i.)

Let a peremptory writ of mandate issue directing the superior court to vacate its order of April 2, 1998, denying petitioners' motion to strike from real parties' first amended complaint all references to purported nationwide class of purchasers and lessees of CLCs. Respondent is directed--after providing the parties an adequate opportunity to brief the matter--to consider anew petitioners' argument that the nationwide class allegations should, pursuant to Osborne, be stricken. The temporary stay is vacated. Real parties to bear the costs of this petition.

Boren, P.J.

We concur: Fukuto, J.  
Nott, J.

[illegible]

### The Court:

The judgment is affirmed and the superior court is directed to amend the abstract of judgment to reflect the stayed \$200 restitution fine imposed pursuant to Penal Code section 1202.45.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

## DIVISION TWO (Continued)

B107442      Jefferson      (Not for Publication)  
v.  
Lockheed Advanced Development Co.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.  
Zebrowski, J.

B117887 Robinson (Not for Publication)  
v.  
City of Los Angeles, et al.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.  
Zebrowski, J.

B121103 People (Not for Publication)  
v.  
Wright

The Court:

The judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment in which appellant's present offense is described as second degree robbery, rather than second degree burglary, and to forward a copy of the amended abstract to the Department of Corrections.

Boren, P.J., Fukuto, J., Zebrowski, J.

## DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.  
Zebrowski, J.

[illegible]

The judgment is affirmed.

Nott, J.

We concur:   Boren, P.J.  
                      Fukuto, J.

B117182 People (Not for Publication)  
v.  
Jones

The judgment is affirmed.

Nott, J.

We concur:   Fukuto, Acting P.J.  
                      Zebrowski, J.

## DIVISION TWO (Continued)

B117666 People (Not for Publication)  
v.  
Mitchell

The Court:

The judgment is modified to reflect an additional \$5,000 restitution fine pursuant to Penal Code section 1202.45, which fine shall be suspended unless appellant's parole is revoked, and the abstract of judgment will be amended accordingly. In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

## DIVISION THREE

[illegible]

The judgment is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

B117322      Larry Sanders, et al.      (Not for Publication)  
v.  
DHL Airways, Inc.

The order granting the motion to enforce the settlement is reversed and the cause is remanded with directions to the trial court to vacate that order. Costs on appeal awarded to appellants Larry Sanders, Jacqueline Sanders, and Kaleidoscope Express.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

### DIVISION THREE (Continued)

B118120      Ben Kluger                                  (Not for Publication)  
v.  
John Rashti, et al.

The order denying the motion for attorney fees is affirmed. Costs on appeal awarded to plaintiff Rashti.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

## DIVISION FOUR

B123484 Yolanda L. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family  
Services, r.p.i.)

The petition for extraordinary writ is denied.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B116641      People                                  (Not for Publication)  
v.  
Andrade and Alatorre

The Court:

For the foregoing reasons, the judgments are affirmed.

Vogel (C.S.), P.J., Epstein, J., Curry, J.

DIVISION FOUR (Continued)

B119367      People            (Not for Publication)  
                 v.  
                 Herrera

The Court:

For the foregoing reasons, the judgment is affirmed.

Epstein, Acting P.J., Hastings, J., Curry, J.

B116995      Ko                            (Not for Publication)  
                 v.  
                 Moon

The judgment is affirmed.

Epstein, Acting P.J.

We concur:   Hastings, J.  
                 Curry, J.

B114354      Jackson  
                 v.  
                 Paramount Pictures

Filed order certifying opinion for publication.

DIVISION SIX

B125205      Jeffrey      (Not for Publication)

V.

Superior Court, San Luis Obispo County

(People, r.p.i.)

Let a writ of mandate issue commanding respondent superior court to set aside its order of July 13, 1998, and to enter a new order terminating probation. The alternative writ, having served its purpose, is ordered dissolved.

Yegan, J.

We concur:    Gilbert, Acting P.J.

Coffee, J.

B117380      D.D. Ford Construction, Inc.      (Not for Publication)

V.

Birges

The order awarding Birges attorney's fees and costs is affirmed. Costs and attorney's fees on the instant appeal are awarded to Birges, in an amount to be determined on motion in the trial court.

Yegan, J.

We concur: Stone, P.J.

Gilbert, J.

B118008      People      (Certified for Publication)

V.

Camacho

Consistent with the views expressed herein the judgment is reversed and the case remanded.

Coffee, J.

I concur:        Gilbert, Acting P.J.

I dissent: Yegan, J.(Opinion)

## DIVISION SIX (Continued)

B118288      Caton      (Not for Publication)  
v.  
McCullough

The judgment is affirmed. Caton is awarded costs on appeal.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                      Coffee, J.

B118667      Schlaepfer                      (Not for Publication)  
v.  
Roach

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                     Coffee, J.

## DIVISION SEVEN

B108107      Jaffer  
v.  
Dalla

Filed order denying petition for rehearing.



DIVISION SEVEN (Continued)

[illegible]

The judgment is modified to impose a restitution fine in the amount of \$10,000 under Penal Code section 1202.45, and that fine is suspended. The judgment is affirmed as modified. The court shall cause the clerk of the court to prepare an amended abstract of judgment indicating the imposition of the Penal Code sections 1202.4 and 1202.45 restitution fines, that one five-year enhancement was imposed under Penal Code section 667, subdivision (a)(1), and that appellant was convicted of second degree murder. The clerk shall send the amended abstract of judgment to the California Department of Corrections.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

B118014 People (Not for Publication)  
v.  
Mora

The order dismissing or striking a prior conviction under the Three Strikes law is reversed. The cause is remanded for the trial court to support the dismissal or striking of the finding of the prior conviction with written reasons stated in factual terms entered into the court's minutes and then order the dismissal, or to have the trial court vacate its order sentencing appellant and permit him to withdraw his plea.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

November 25, 1998-Continued

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Lillie, P.J.

I concur: Johnson, J.  
I dissent: Woods, J.(Opinion)

B120579 People (Not for Publication)  
v.  
Davie

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

B122080 People (Not for Publication)  
v.  
Lopez

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

November 25, 1998-Continued

## DIVISION SEVEN (Continued)

B120989 People (Not for Publication)  
v.  
Reyes

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

B117664 People (Not for Publication)  
v.  
Castine

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B118850 People (Not for Publication)  
v.  
Pizzaro

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

November 25, 1998-Continued

DIVISION SEVEN (Continued)

B122036      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Marcus B.

The appeal is dismissed as moot.

Neal, J.

We concur:   Johnson, Acting P.J.  
                 Woods, J.